

Attorney Docket No. 05213-0075  
KS#43170-219382

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
HOLADAY ET AL.	)	
Serial No.: 09/266,543	)	Art Unit: 1642
Filed: March 11, 1999	)	Examiner: A. Holleran
For: COMPOSITION AND METHODS FOR TREATING CANCER AND HYPERPROLIFERATIVE	)	

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO SECOND RESTRICTION REQUIREMENT**  
**(ELECTION OF SPECIES)**

Sir:

In response to the Office Action mailed December 4, 2000, kindly consider the appended remarks. A Change of Correspondence Address is included with this facsimile transmission as a separate document.

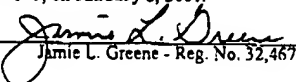
**REMARKS**

In the Office Action mailed December 4, 2000, the Examiner acknowledged applicants' Response to Restriction Requirement dated September 14, 2000. However, the Examiner further required an election of species in several groupings of the claims elected in the Restriction Requirement.

In particular, the Examiner required the election of a single carrier in Claims 4/7/8, 14/17/18 and 24/26/27 from the fourteen carriers recited in Claims 7/8, 17/18 and 26/27. Applicants respectfully elect the species "liposomes" in these claims.

The Examiner also required the election of a single species in Claims 4/9, 14/19 and 24/28 from the species "(a) adjuvants, (b) preservatives, (c) diluents, (d) emulsifiers and stabilizers. Applicants respectfully elect the species "(a) adjuvants" in these claims.

I hereby certify that this correspondence is being facsimile transmitted to  
(703) 308-4315, on January 3, 2001.

  
Jamie L. Greene - Reg. No. 32,467

09/266,543

FILED: March 11, 1999

Response to Second Restriction Requirement (Election of Species)

Page 2

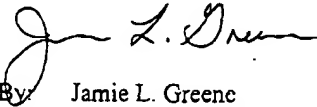
The Examiner noted that if the species "(a) adjuvants" was elected, a further election of a single adjuvant from the eighteen adjuvants recited in Claims 10, 20 and 29 would be required. Therefore, Applicants respectfully elect the species "lipophilic muramyl dipeptide derivatives" in these claims.

The Examiner further required the election of a single species in Claims 4/11 and 14/21 from the hydrophobic moieties recited in Claims 13 and 23. Applicants respectfully elect the species "palmitic acid" in these claims.

Applicants respectfully submit that the foregoing is fully responsive to the Office Action mailed December 4, 2000. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or there are any other issues that can be resolved by telephone interview, a telephone call to the undersigned attorney at (404) 949-2473 is respectfully solicited.

Respectfully submitted,

KILPATRICK STOCKTON LLP



By: Jamie L. Greene  
Registration No. 32,467

Kilpatrick Stockton LLP  
2400 Monarch Tower  
3424 Peachtree Road  
Atlanta, GA 30326  
(404) 949-2473  
Attorney Docket No. 05213-0075  
KS#43170-219382  
January 3, 2001



# RESTRICTION ELECTION FACSIMILE TRANSMISSION

15/Jan E  
1/5/01

**FAX RECEIVED**

DATE: January 3, 2001

JAN 03 2001

FROM/ATTORNEY: Jamie L. Greene - Reg. No. 32,467

GROUP 1600

FIRM: Kilpatrick Stockton, LLP

PAGES, INCLUDING COVERSHEET: 4

**OFFICIAL**

PHONE NUMBER: 404-949-2400

TO EXAMINER: A. Holleran

ART UNIT: 1642

SERIAL NUMBER: 09/266,543

FAX/TELECOPIER NUMBER: (703) 308-4315

**PLEASE NOTE: THIS FACSIMILE NUMBER IS TO BE USED ONLY  
FOR RESPONSES TO RESTRICTIONS.**

COMMENTS: \_\_\_\_\_

IF YOU HAVE NOT RECEIVED ALL THE PAGES OF THIS TRANSMISSION, PLEASE CONTACT THE ATTORNEY AT THE  
TELEPHONE NUMBER LISTED ABOVE.

IN COMPLIANCE WITH 37 CFR 2.101, THE FILING DATE ACCORDED EACH OFFICIAL FAX TRANSMISSION WILL BE  
DETERMINED BY THE FAX MACHINE DATE STAMP FOUND ON THE LAST PAGE OF THE TRANSMISSION, UNLESS THAT  
DATE IS A SATURDAY, SUNDAY, OR FEDERAL HOLIDAY WITHIN THE DISTRICT OF COLUMBIA, IN WHICH CASE THE  
OFFICIAL DATE OF RECEIPT WILL BE THE NEXT BUSINESS DAY.

THE DOCUMENT(S) ACCOMPANYING THIS FACSIMILE TRANSMISSION CONTAIN(S) INFORMATION FROM THE UNITED  
STATES PATENT AND TRADEMARK OFFICE WHICH IS CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THIS  
INFORMATION IS FOR THE USE OF THE INDIVIDUAL OR FIRM NAMED ON THIS SHEET. IF YOU ARE NOT THE INTENDED  
RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR THE TAKING OF ANY  
ACTION IN RELIANCE ON THE CONTENTS OF THIS INFORMATION IS STRICTLY PROHIBITED. THE DOCUMENTS SHOULD  
BE RETURNED TO THE PATENT AND TRADEMARK OFFICE IMMEDIATELY. IF THIS FACSIMILE IS RECEIVED IN ERROR,  
PLEASE NOTIFY THE ATTORNEY LISTED HEREON IMMEDIATELY.